

[Counsel listed on signature page]

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CITY OF FARGO HEALTH TRUST FUND, on  
behalf of itself and all others similarly situated,

Plaintiff,

v.

ALZA CORPORATION, a California  
Corporation,

Defendant.

CASE NO.: 05-CV-4684

Consolidated in MDL No. 1761

**STIPULATION AND [PROPOSED]  
ORDER DISMISSING PLAINTIFF CITY  
OF FARGO'S COMPLAINT WITH  
PREJUDICE**

**Honorable Jeffrey S. White**

Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff City of Fargo Health Trust Fund ("City of Fargo") and Defendant Alza Corporation ("Alza"), by and through their counsel of record, respectfully submit the present stipulation dismissing City of Fargo's complaint in Case No. 05-CV-4684 and the consolidated amended complaint in MDL No. 1761. The parties further agree City of Fargo and Alza shall bear their own costs associated with the maintenance and defense of Case No. 05-CV-4684 and all actions consolidated in MDL No. 1761. THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:

1. Dismissal with prejudice. Plaintiff City of Fargo hereby dismisses with prejudice its complaint in Case No. 05-CV-4684 and currently consolidated with other complaints in the action captioned "In re Ditropan XL Antitrust Litigation, MDL No. 1761," presently pending before this Court. Concurrently herewith, City of Fargo shall file a voluntary dismissal with prejudice of the consolidated amended complaint in MDL No. 1761, currently pending before this Court.

2. Costs. City of Fargo and Alza shall bear their own costs and fees incurred in the prosecution and defense of Case No. 05-CV-4684 and all actions consolidated in MDL No. 1761. In no event shall any party to Case No. 05-CV-4684 or to MDL No. 1761 be entitled to recover from or be required to pay to any adverse party fees, costs, or any other remuneration emanating out of this

1 action as a result of the instigation, prosecution, defense, or dismissal with prejudice of Case No. 05-  
2 CV-4684 and MDL No. 1761.

3  
4 Dated: December 17, 2007

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: December 18, 2007

  
Honorable Jeffrey S. White  
United States District Judge